

HOUSE BILL No. 1216

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-13-5; IC 31-36-1-1.

Synopsis: Forensic data base for missing children. Requires the clearinghouse for information on missing children (clearinghouse) to accept and make available to a law enforcement agency the DNA profiles, dental records, and fingerprints of missing children, including DNA profiles, dental records, or fingerprints that are voluntarily submitted to the clearinghouse by the parent, guardian, or custodian of a child. Requires the clearinghouse to submit DNA profiles, dental records, and fingerprints to: (1) the Indiana data and communication system (IDACS); (2) the National Crime Information Center (NCIC); (3) the Integrated Automated Fingerprint Identification System (IAFIS); or (4) any other data base that contains information concerning missing children. Permits the state police department to charge a reasonable fee to defray the clearinghouse's expenses for receiving, processing, and submitting fingerprints, dental records, and DNA profiles. Establishes the missing children's fund to receive fees for receiving, processing, and submitting fingerprints, dental records, and DNA profiles, as well as gifts, grants, and other donations. Requires the criminal justice institute to pursue federal funds to support the missing children's fund. Continuously appropriates money in the fund for purposes of the fund. Provides that a law enforcement report concerning a missing child may include DNA profiles, dental records, or fingerprints. Requires a law enforcement agency that receives a notification of a missing child to notify the missing child's parents, guardians, or custodians that the child's DNA profile, dental records, and fingerprints may be submitted to the clearinghouse. Makes an appropriation.

Effective: July 1, 2008.

Dembowski, Walorski

January 14, 2008, read first time and referred to Committee on Technology, Research and Development.



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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1216

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-13-5-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The
3 clearinghouse shall do the following:

4 (1) Collect, process, and maintain identification and investigative
5 information to aid in finding missing children, **including**
6 **fingerprint, dental, and DNA profile records submitted under**
7 **section 7.3 of this chapter.**

8 (2) Establish a statewide, toll free telephone line for reports of
9 missing children and sightings of missing children.

10 (3) Prescribe a uniform reporting form concerning missing
11 children for use by law enforcement agencies within Indiana.

12 (4) Assist in training law enforcement and other professionals on
13 issues relating to missing children.

14 (5) Operate a resource center of information regarding the
15 prevention of:

16 (A) the abduction of children; and

17 (B) the sexual exploitation of children.

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(6) Distribute the quarterly directory prepared under section 6(b)(7) of this chapter to schools and hospitals.

(7) Distribute the quarterly directory described in subdivision (6) to child care centers and child care homes that make an annual contribution of four dollars (\$4) to the clearinghouse. The contributions must be used to help defray the cost of publishing the quarterly directory.

(b) For a missing child who was born in Indiana, the clearinghouse shall notify the vital statistics division of the state department of health:

(1) within fifteen (15) days after receiving a report under IC 31-36-1-3 (or IC 31-6-13-4 before its repeal) of a missing child less than thirteen (13) years of age; and

(2) promptly after the clearinghouse is notified that a missing child has been found.

(c) Upon receiving notification under subsection (b) that a child is missing or has been found, the vital statistics division of the state department of health shall notify the local health department or the health and hospital corporation that has jurisdiction over the area where the child was born.

(d) Information collected, processed, or maintained by the clearinghouse under subsection (a) is confidential and is not subject to IC 5-14-3, but may be disclosed by the clearinghouse for purposes of locating missing children.

SECTION 2. IC 10-13-5-7.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 7.3. (a) The clearinghouse shall accept and make available to a law enforcement agency:**

(1) the fingerprints;

(2) dental records; and

(3) a DNA profile;

of a missing child.

(b) The clearinghouse shall permit the parent, guardian, or custodian of a child to voluntarily submit the fingerprints, dental records, and a DNA profile of a child to the clearinghouse for submission to the following:

(1) The Indiana data and communication system (IDACS) under IC 10-13-3-35.

(2) The National Crime Information Center (NCIC) operated by the Federal Bureau of Investigation.

(3) The Integrated Automated Fingerprint Identification System (IAFIS) operated by the Federal Bureau of Investigation.

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(4) Any other state, national, or international data base that contains information regarding missing children.

(c) The clearinghouse shall submit the fingerprints, dental records, and DNA profiles that are submitted under subsection (b) to the entities listed in subsection (b) within five (5) days of receiving the fingerprints, dental records and DNA profiles.

(d) The department may charge a reasonable fee for processing and transmitting:

- (1) fingerprints;
- (2) dental records; and
- (3) a DNA profile;

voluntarily submitted under subsection (b). The fee may not exceed the actual expenses of the clearinghouse for receiving, processing, and submitting the fingerprints, dental records, and DNA profile. The fee shall be deposited in the missing children's fund established by section 7.7 of this chapter.

(e) Upon receipt of a written request from the parent, guardian, or custodian of a missing child who has been located or who is not missing, the department shall:

- (1) remove all fingerprint, dental, and DNA profile records submitted under subsection (b) from computerized and other record keeping systems operated by the department, including the Indiana data and communication system (IDACS); and
- (2) request the removal of all fingerprint, dental, and DNA profile records submitted under subsection (b) from the:
 - (A) National Crime Information Center (NCIC);
 - (B) Integrated Automated Fingerprint Identification System (IAFIS); and
 - (C) any other data base that the clearinghouse submits information to under subsection (b).

SECTION 3. IC 10-13-5-7.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7.7. (a) The missing children's fund is established for the purpose of defraying expenses related to the location of missing children. The fund shall be administered by the department.

(b) The fund consists of fees deposited in the fund under section 7.3(d) of this chapter.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

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1 (e) Money in the fund at the end of a state fiscal year does not
2 revert to the state general fund.

3 (f) Money in the fund is continuously appropriated to carry out
4 the purposes of the fund.

5 (g) Gifts, grants, and other donations may be accepted by the
6 fund.

7 (h) The Indiana criminal justice institute shall pursue federal
8 grants to be placed in the fund.

9 SECTION 4. IC 31-36-1-1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) A law
11 enforcement agency in which a notification about a missing child has
12 been made shall prepare a report on the missing child. That report:

13 (1) must include the following:

14 ~~(1)~~ (A) Information that the law enforcement agency
15 determines is relevant that is obtained in the course of the
16 notification about the missing child, including the following:

17 ~~(A)~~ (i) A physical description of the child.

18 ~~(B)~~ (ii) The date and place of the child's birth.

19 ~~(C)~~ (iii) The name and address of the last school attended by
20 the child, if any.

21 ~~(2)~~ (B) Information or evidence gathered by a preliminary
22 investigation, if one was made.

23 ~~(3)~~ (C) A statement by the law enforcement officer in charge
24 setting forth that officer's assessment of the case based upon
25 the evidence and information received; and

26 (2) must include the following if submitted to the law
27 enforcement agency by a parent, guardian, or custodian of a
28 missing child:

29 (A) A DNA profile.

30 (B) Dental records.

31 (C) Fingerprints.

32 (b) A law enforcement agency that receives a notification of a
33 missing child shall notify each parent, guardian, or custodian of the
34 missing child that the missing child's DNA profile, dental records,
35 and fingerprints may be submitted to the Indiana clearinghouse for
36 information on missing children under IC 10-13-5.

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